

**TESTIMONY IN SUPPORT OF S.B. 831**  
**An Act Concerning Municipal Liability For**  
**Recreational Activities on Certain Open Space Lands**

Submitted by Josef P. Treggor, President, Farmington Land Trust  
to The Environment Committee  
January 31, 2011

Senator Meyer, Representative Roy, and members of the Environment Committee,

Thank you for the opportunity to testify in support of S.B. 831, An Act Concerning Municipal Liability For Recreational Activities on Certain Open Space Lands.

Perhaps overlooked in the dialogue concerning this bill is the tangential effect that could occur if this bill does not pass and the decision in Blonski v. MDC is affirmed on appeal, and that is the impact on recreational use of properties on which private corporations such as ours have partnerships with municipalities.

The Farmington Land Trust has two major trail systems that traverse over municipal property. The town of Farmington has granted us easements on these properties.

The first is a section of the New England National Scenic Trail, Will Warren's Den, donated to the town of Farmington by the family of Representative William Wadsworth. It is protected and maintained by the Land Trust under an easement granted by the town. Should events force the town to close its open space to citizens in fear of litigation arising from recreational use, this historical area, including its magnificent overlook, would be lost to the public and would require the trail's relocation at considerable expense.

The second is a trail created and maintained by the Land Trust, the Aqueduct Historic Trail and Mason Trail. This trail takes one along the Farmington River to where the historic 19<sup>th</sup> Century Farmington Canal crossed the Farmington River. Towed by mules, barges crossed the river on a nearly 75-foot high aqueduct. The most well-preserved sections of the aqueduct are located on this trail. The Land Trust recently spent nearly \$35,000 to improve the trail to allow for wider use and remove invasive species. In addition, an Eagle Scout, Matthew Prunk, did his Eagle Project creating unique tree identification kiosks along a section of the trail that is also currently being used as a site for a scientific study on invasive-resistant ground covers. A portion of this trail is also owned by the town and protected and maintained by the Land Trust under another easement. Difficulties of access would result should the aforementioned circumstances take place.

I am sure the Farmington Land Trust is not unique in having these types of easement agreements with municipalities; it is an attractive way to assure that open space and the trails and historic areas on them are protected through shared responsibility.

The Farmington Land Trust strongly supports S.B. 831 and urges you to keep all open space lands accessible to the public for all to enjoy through passage of this bill.